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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,290	08/14/2001	Francois S. Nicolas	GEMS:0140/YOD 15-XZ-5749	6671

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EXAMINER	
CHOOBIN, BARRY	

ART UNIT	PAPER NUMBER
2625	

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/682,290	NICOLAS ET AL.	
	Examiner	Art Unit	
	Barry Choobin	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 November 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-91* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-91* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see Remarks, filed 11/29/2004, with respect to the rejection(s)of claim(s) 1-91 under USC 102 and USC 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Carrott et al (US 6,909,792) in view of Guetz et al (US 6,091,777).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-6, 9-12, 16-27, 30, 31, 34, 35-43, 47-54, 56-63, 65-70, 73-77, 79, 80, 82-85, 87-91 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carrott et al (US 6,909,792) in view of Guetz et al (US 6,091,777).

As to claim 1, Carrott et al disclose an image processing system and method visually documents and displays changes between historical and later monographic images; generating an image from the plurality of temporally distinct medical images to highlight temporal differences of the desired physiological features between the image pair (fig2a); Carrott et al fails to explicitly disclose compressing images and transmitting the said images as recited in claim, however, Guetz et al disclose a continuously

adaptive digital video compression system and method for a web streamer comprising; compressing images and transmitting the images to a remote processing system via network.

Carrott et al and Guetz et al are combinable because Guetz et al disclose that there is a need in the art of image processing for an improved cost effective system that uses both spatial and temporal correlation to remove the redundancy in the video to achieve high compression in transmission and maintain good image quality.

Therefore, it would have been obvious to an ordinary skill in the art to modify the invention of Carrott et al with the image compression and transmission system and method of Guetz et al in order to improved cost effective system and method that uses both spatial and temporal correlation to remove the redundancy in the video to achieve high compression in transmission and to maintain good to excellent image quality while continually adapting to change in the available bandwidth of the transmission channel and to the limitations of the receiving resources of the clients (column 2, lines 10-22).

As to claim 2, Carrott et al disclose compressing the at least one image comprises compressing a new medical image obtained by a medical diagnostic imaging system (fig.2a).

As to claims 3-6, Guetz et al disclose that compression comprises; reducing resolution, sub sampling, performing dynamic range reduction and loss-less compression.

Claims 9, 10, 11, 12, 16-27, 30, 31, 34, 35-43, 47-54, 56-63, 65-70, 73-77, 79, 80, 82-85, 87-91 are similarly analyzed and rejected.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 7, 8, 28-29, 44-45, 71, 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carrott et al in view of Guetz et al applied to claim 1 above, and further in view of Fredlund et al (US 6,353,487).

As to claims 7, 28, 44, the method of claim 1 (see claim 1).

Both Carrott et al and Guetz et al fail to expressly disclose compressing the at least one image comprises reducing memory consumption of the at least one image by a ratio of between 15:1 to 5:1.

Fredlund et al disclose reducing memory consumption of the at least one image by a ratio of between 15:1 to 5:1 (column 5, lines 34-42).

Fredlund et al is combinable with both Carrott et al and Guetz et al because it deals with image processing and transmitting the image in compressed mode.

At the time the invention, it would have been obvious to a person of ordinary skill in the art to modify the combination of Carrott et al and Guetz et al with Fredlund et al in order to reduce storage requirement (column 5, line 35).

The suggestion/ motivation for doing so would have been to reduce storage requirement for both low and high-resolution images (column 5, lines 34-37).

Therefore, it would have been obvious to combine Carrott et al and Guetz et al and with Fredlund et al.

As to claims 8, 29, 45, 71, 72, Fredlund et al memory consumption comprises reducing the at least one image to a file size between approximately 500 KB and approximately 2 MB (column 5, lines 15-27).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made

to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 13-15, 32, 33, 46, 55, 64, 78, 81, 86 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carrott et al in view of Guetz et al as applied to claim 1 above, and further in view of Rothschild et al (US 2002/0019751).

As to claims 13, 14, 46, 64, 81, both Carrott et al in view of Guetz et al fail to expressly disclose transmitting the plurality of temporally distinct medical images comprises gathering medical images from a plurality of image storage systems at medical institutions.

Rothschild et al disclose a medical image management system and method comprising: transmitting the plurality of temporally distinct medical images comprises gathering medical images from a plurality of image storage systems at medical institutions (abstract).

Rothschild et al, Carrott et al and Guetz et al are combinable because they all deal with medical image processing.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the Carrott et al and Guetz et al with Rothschild et al in order to reduces the high financial cost, resource allocation, time, and unreliability associated

with conventional production, transportation, and viewing of conventional film-based systems and methods (0031).

The suggestion/motivation would have been to reduces the high financial cost, resource allocation, time, and unreliability associated with conventional production, transportation, and viewing of conventional film-based systems and methods. Therefore, it would have been obvious to combine Rothschild et al with Carrott et al and Guetz et al.

As to claims 15, 32, 55, 78, 86, Rothschild et al disclose transmitting the plurality of temporally distinct medical images comprises encrypting data being transmitted via the network (Paragraph 0019).

CONTACT INFORAMTION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry Choobin whose telephone number is 571-272-7447. The examiner can normally be reached on M-F 7:30 AM to 18:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on 571-272-7453. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Barry Choobin
7/15/2005